



MAYOR AND COUNCIL AGENDA

NO. /7 DEPT.: Legal/ Community Planning and Development Services DATE: Oct. 22, 2004

Contact: Deane Mellander, Planner III

ACTION: Approval of amendment to Town Square use permit for Block 5: USA2003-00674A, to amend use permit USE2003-00674 to add an additional story and eight additional residential units on a portion of Block 5 fronting on North Maryland Avenue.

ACTION STATUS:

FOR THE MEETING OF: 11/1/04

INTRODUCED
PUB. HEARING
INSTRUCTIONS
APPROVED
EFFECTIVE

ROCKVILLE CITY CODE,

CHAPTER 25
SECTION 193

☐ CONSENT AGENDA

RECOMMENDATION: Approve the amendment.

IMPACT: ☐ Environmental ☒ Fiscal ☒ Neighborhood ☐ Other:

The revised plan is within the height approved by the amended Preliminary Development Plan. The eight additional dwelling units are also within the total of 660 units allowed under the amended PDP.

BACKGROUND: The Rockville Town Square Preliminary Development Plan was approved by the Planning Commission on August 8, 2003. Subsequently, the applicants submitted five Use Permit applications—one for the public improvements, such as streets, sidewalks, utilities, and the public plaza; and one for each of the four blocks in the project.

The four blocks comprise the buildings that will house the commercial and residential uses proposed for this project. In addition, the public parking garage that will be owned by the City in conjunction with Block 4 also is included in the applications. The approval of these applications involves the overall design program for the building facades, general arrangement of uses within the buildings, and the associated parking garages. The specific details of actual façade treatments for items such as materials, specific window types, size and location of balconies, and related architectural details will be reviewed and approved by staff as part of the building permit process, consistent with the general approval of the overall design as shown in the use permit approvals, the Design Guidelines, and the Town Center Master Plan recommendations and guidelines.

The Planning Commission reviewed the use permits for the individual blocks on February 25, 2004 and recommended approval. The Mayor and Council reviewed the Use Permits and approved them

with conditions on March 15, 2004. Under Sec. 25-192 of the Zoning Ordinance, the Mayor and Council must approve use permit amendments for a use on land owned by the City or on City-owned land being sold for development where the Use Permit was previously approved by the Mayor and Council. Also on March 15, 2004, the Mayor and Council approved an amendment to the PDP to increase the building height on Block 5 to 6 stories, reduce the building height on Block 4 to 75 feet, and reduce the residential units from 777 to 660.

The architects for the Town Square project, WDG Architecture, have submitted revised plans for Block 5, which is bounded by East Middle Lane, future North Maryland Avenue, and the Foulger-Pratt property. The proposed amendment will add an additional story to façade 5E, mid-way along the North Maryland Avenue façade. This additional story would contain eight additional residential units. This results in an increase from 148 units to 156 units in Block 5. This would increase the total number of units approved to 640, still well below the 660 units approved under the amended PDP.

The added units also necessitate modifications to the foundation to accommodate the added structure weight. These are included in the submitted plans. Staff also notes that the configuration of the exit drive onto Middle Lane from the parking garage has had to be modified to avoid the adjoining Foulger-Pratt property, for which access easements were not available. The Mayor and Council approved the revised access on August 2, 2004.

The architecture proposed is consistent with the same treatment for this portion of the façade as previously approved. The roofline is proposed to be in a mansard style, with two different angles back from the building face. The surface treatment, dormer design, and colors remain the same as the previous design.

Staff finds that the proposed amendment is consistent with the overall design concept for the block. The increased height and number of units will not exceed what has been approved in the Preliminary Development Plan. Staff therefore recommends approval of the proposed use permit amendment.

The Planning Commission reviewed this proposal at their meeting on October 27, 2004. Their recommendation will be provided at the November 1, 2004 meeting.

PREPARED BY:

Deane E. Mellander
Deane Mellander, Planner III

10/25/04
Date

APPROVE:

Robert J. Spalding
Robert J. Spalding, AICP, Chief of Planning

10.25.04
Date

APPROVE:

Arthur D. Chambers
Arthur D. Chambers, AICP, CPDS Director

10/25/04
Date

APPROVE:

Catherine Tuck Parrish
Catherine Tuck Parrish, Asst. City Manager

10/26/04
Date

LIST OF ATTACHMENTS:

1. Original façade plan.
2. Revised façade plan.

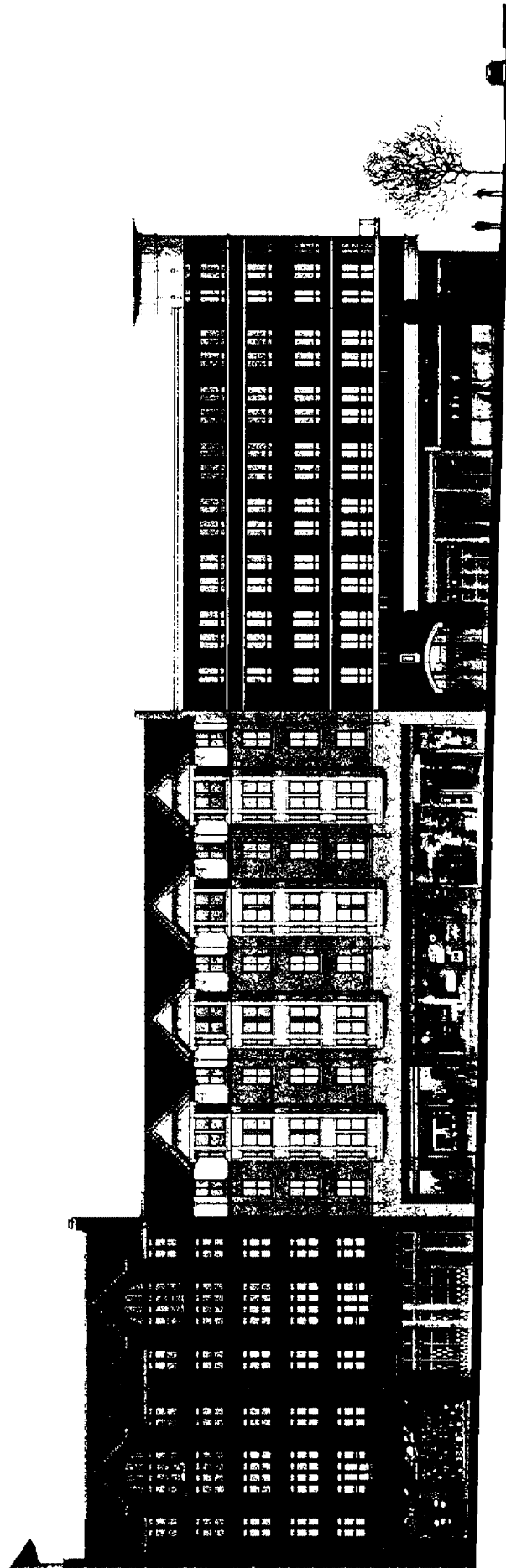
3. Staff report to the Planning Commission.
4. Use Permit approval letter of March 18, 2004.

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ROCKVILLE TOWN SQUARE

RD ROCKVILLE, LLC
ROCKVILLE, MARYLAND

MARYLAND AVE - EAST



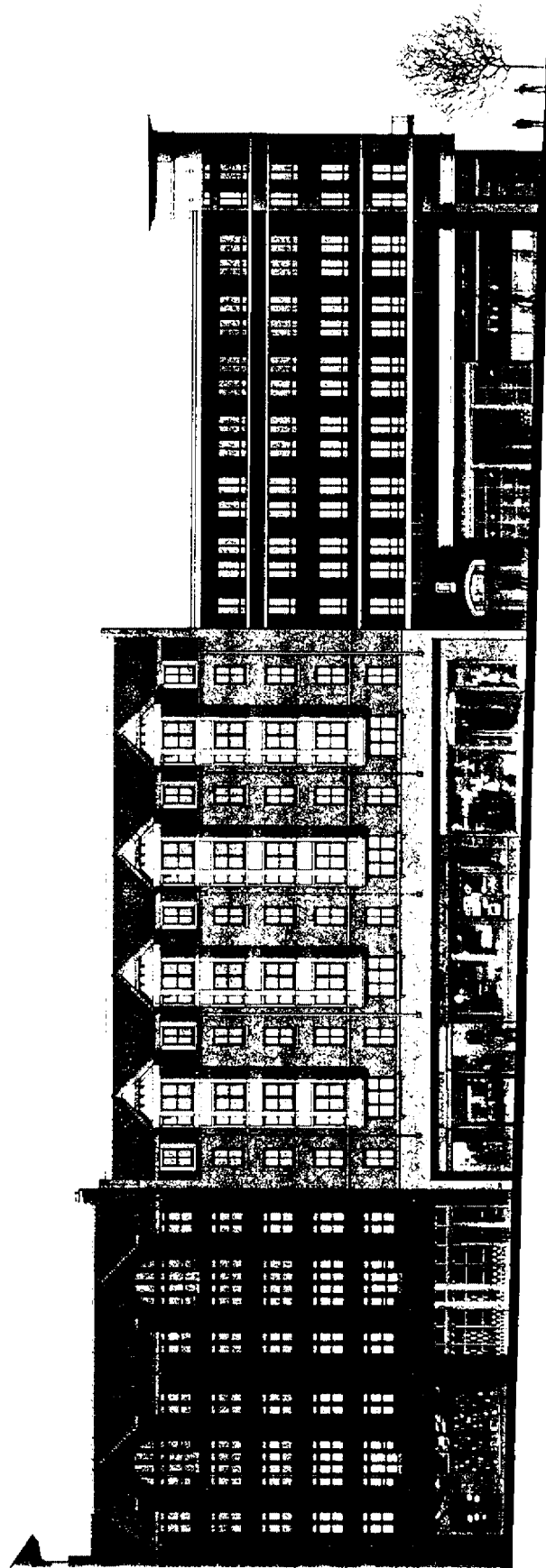
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\\WA01046\Presentations\01 11 0419 BOARD East Middle North LJ

MARYLAND AVE - EAST

ROCKVILLE TOWN SQUARE

RD ROCKVILLE, LLC
ROCKVILLE, MARYLAND



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City of Rockville

MEMORANDUM

October 25, 2004

TO: City of Rockville Planning Commission

FROM: Deane Mellander, Planner III *DM*

VIA: Bob Spalding, AICP, Chief of Planning

SUBJECT: Use Permit Amendment application USA2003-00674A, Rockville Town Square Block 5

BACKGROUND

On March 15, 2004 the Mayor and Council approved use permits for the Rockville Town Square project. At that same meeting, the Mayor and Council, with the affirmative recommendation of the Planning Commission, approved an amendment to Preliminary Development Plan PDP2003-00005. The amendment allowed up to 6 stories on Block 5, reduced the allowable building height on Block 4 to 75 feet, and reduced the number of residential units from 777 to 660 units.

The applicants have applied to amendment use permit USE2003-00674 for Block 5 of the Town Square project to add 8 additional units above a portion of the building fronting along Maryland Avenue. This portion of the building is referred to as façade 5E.

ANALYSIS

The applicants have requested that the 8 additional "loft" units be allowed on façade 5E. The same architectural treatment will be maintained as originally approved, with the exception of the roofline. Instead of a simple gable-style angled roof, the applicants propose a form of mansard roof, with two different angles back from the vertical line of the façade. The dormers will be raised to match the new roof line. The bays below the dormers will be raised one floor. The windows at the second floor level that formerly had bay windows will now have small balconies instead.

The total number of residential units approved for the four Town Square blocks is 632. Of these, 148 were shown for Block 5. The proposed amendment would increase the units from 148 to

156 units, and the overall project total from 632 to 640. This number is still within the 660 units approved under the amended PDP plan.

The added units also necessitate modifications to the foundation to accommodate the added structure weight. These are included in the submitted plans. Staff also notes that the configuration of the exit drive onto Middle Lane from the parking garage has had to be modified to avoid the adjoining Foulger-Pratt property, for which access easements were not available. The Mayor and Council approved the revised access on August 2, 2004.

RECOMMENDATION

The staff finds that the proposed amendment is consistent with the original design approval for Block 5. The added units are within the total number of units approved by the amended Preliminary Development Plan. Staff therefore recommends approval of the proposed Use Permit Amendment.

Under the provisions of text amendment TXT2004-00212, the Mayor and Council must approve amendments to Use Permits that were previously approved by the Mayor and Council. Therefore, in this case the Planning Commission is providing a recommendation to the Mayor and Council on this application.

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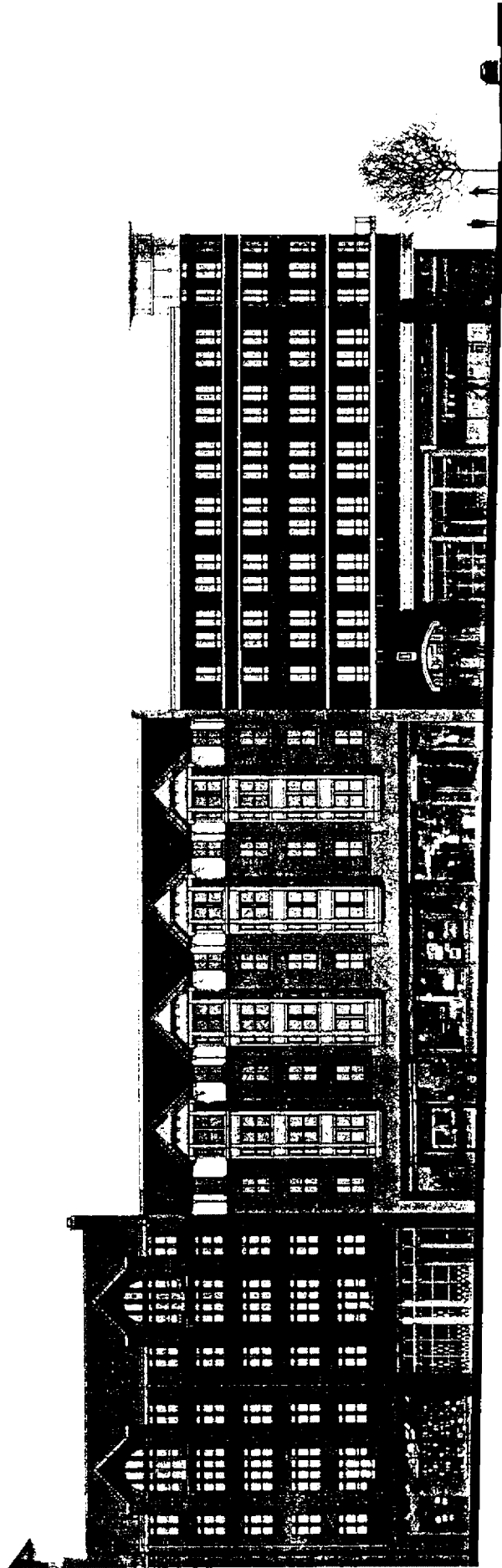
Attachments: 1A. Approved Façade Design
1B. Proposed Façade Amendment

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ROCKVILLE TOWN SQUARE

MARYLAND AVE - EAST

RD ROCKVILLE, LLC
ROCKVILLE, MARYLAND



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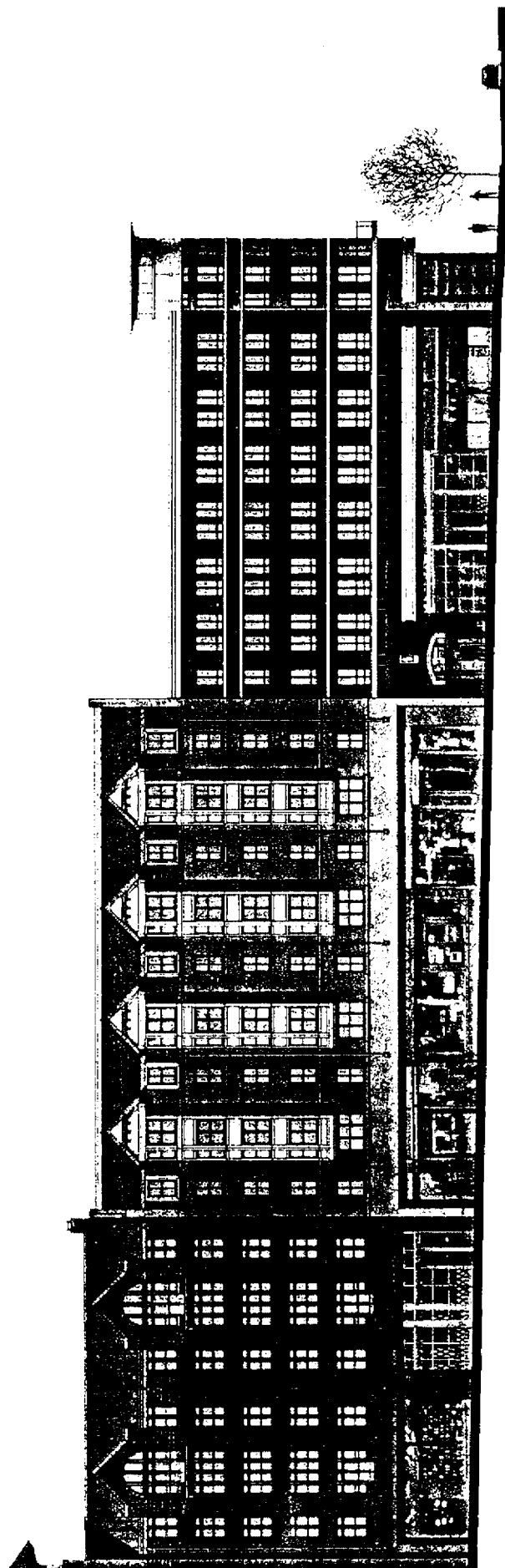
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ROCKVILLE TOWN SQUARE

MARYLAND AVE - EAST

RD ROCKVILLE, LLC
ROCKVILLE, MARYLAND

8/23/04
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WDG
ARCHITECTURE



March 18, 2004

Mr. Scott J. Ross
RD Rockville LLC
7910 Woodmont Avenue
Suite 350
Bethesda, MD 20814-3031

**Re: Use Permit Application USE2003-00671 thru 00674
Rockville Town Square
E. Middle Lane and Maryland Avenue**

Dear Mr. Ross:

In accordance with Section 25-681 of the Rockville Zoning and Planning Ordinance, the above referenced Use Permit was approved by the Mayor and Council on March 15, 2004. The application is to construct a mixed use project consisting of 167,356 square feet of retail commercial and 632 multi-family residential units on four blocks as approved under PDP2003-00005.

The approval covers blocks 1&2, 3B, 4 and 5 of the Rockville Town Square project. The approval is subject to full compliance with the following conditions, and as shown on the attached exhibit "A":

Town Square – General Use Permit Conditions for all 4 blocks

1. Approval of the overall design of the project facades, generally consistent with the drawings and renderings presented for the record on March 11 and March 15, 2004.
2. Final approval of design details for individual facades, including materials, window styles, variation in window locations and architectural details, will be made by the staff, consistent with the Town Center Design Guidelines, the Town Center Master Plan, and guidance of the Mayor and Council and Planning Commission from the March 11 and March 15, 2004 meetings.
3. Provide a phasing plan for review and approval by DPW prior to building permit issuance to illustrate how public utility services, parking, and vehicular and pedestrian access to all other public facilities will be accommodated during construction phasing. No occupancy permits will be issued without adequate public facility extensions, sufficient parking or adequate vehicular and pedestrian access as determined by DPW.
4. A Transportation Demand Management (TDM) agreement must be executed between the applicant and the City of Rockville within 6 months of the issuance of building permits. This agreement will require payment of TDM fees of \$450,000 as set forth in the General Development Agreement. This sum will be incorporated into the TDM capital improvements program funds of the City.

MAYOR
Larry Giammo

COUNCIL
Robert E. Dorsey
John F. Hall, Jr.
Susan R. Hoffmann
Anne M. Robbins

ACTING CITY MANAGER
Catherine Tuck Parrish

CITY CLERK
Claire F. Funkhouser

CITY ATTORNEY
Paul T. Glasgow

(7)

5. Five bus shelters must be provided throughout Town Square. Locations for the shelters as follows: two on E. Middle Lane and one incorporated into the building façade on North Washington Street adjacent to existing bus stop. Two bus shelters should be located at the public plaza on Maryland Avenue which may be of special design, incorporated into the building facades, or a standard shelter, as approved by DPW.
6. Bike lockers and bike racks must be provided at safe and convenient locations approved by the Department of Public Works. Lockers must be provided within the garages at a rate of 1 bike locker for each 50 parking spaces associated with the residential uses as shown on Table 1, and bike racks with a total capacity of 50 bikes associated with retail uses, including the 20 racks required in conjunction with Use Permit USE2003-00670.

**Residential
Parking Spaces**

Block	Residential	Total
1&2	234	468
3B	260	260
4	250	1,039
5	165	269
Totals	909	2,036

Bike Lockers= $909/50=18$

7. Adequate sight distance must be provided and maintained at all corners and driveways.
8. All two-way driveway entries must be 25 feet wide.
9. A 9-foot by 18-foot box must be provided for all parking spaces including angled parking. One square foot may be used for a column/meter zone at the two corners farthest from the driving aisle of the 9-foot by 18-foot parking space. Subject to a pending text amendment approval, a maximum of 5% of residential parking spaces may be 8.5-feet by 18-feet with 24 foot wide drive aisles.
10. Provide a 5-foot no-parking zone for maneuvering for all dead-end aisles.
11. Provide a 4-foot no-parking zone adjacent to all pedestrian access points.
12. Revision of parking spaces, if required, must comply with text amendment TXT2004-00205, or the current standards if the text amendment has not been adopted by the issuance of building permits.
13. Provide adequate lighting in all pedestrian vias to provide safe passage for pedestrians.
14. Provide truck turning movement exhibits for all blocks.
15. Outside speaker systems interconnected between different bays are prohibited. Outside speakers for individual restaurants and bars may be permitted to provide background music for outside seating areas. Background music shall be maintained at volume levels that do not exceed noise standards contained in the

- draft condominium documents (residents on the second floor can not hear music in their residence if the windows are closed) for nearby residences.
16. A maximum of 50% of the 2-foot storefront expansion zone in each block may be used for private use if the clear walking surface meets or exceeds the minimum width specified in Table 1 of approved Use Permit USE2003-00670. The remaining 50% of the storefront expansion zone must remain free and clear at all times for pedestrian use.
 17. The Mayor and Council must approve the storefront design guidelines and a comprehensive sign package.
 18. Locations for public art and necessary easements to install art on private sites to be determined at the time of building permit approval.
 19. The Commercial Management District must be established prior to the issuance of building permits for Use Permit applications USE2003-00671-673 . Building permits for Use Permit USE2003-00674 may be issued ahead of the establishment of the CMD.
 20. Submit trash and recycling plan for staff approval. The plan must show the location, capacity, collection method, and collection schedule of trash and recycling facilities within each building and participation in the County's recycling program.
 21. Below grade excavation must be dewatered as required by DPW sediment control requirements to an acceptable outfall.
 22. Obtain all necessary approval and/or permits from the State for ground water and/or soil contamination mitigation prior to DPW issuing permits to allow grading.
 23. The number of dwelling units and retail square footage may be increased up to the total amount approved in the entire PDP, as amended. Within these limits, the distribution of units and retail square footage may vary at the block level. This excludes the retail area that is reserved for the Cultural Arts Building.
 24. Submit, for approval by the Director of Public Works prior to issuance of sediment control permit, a truck access management plan for construction traffic, to be developed in consultation with the affected communities.
 25. Submit, for approval by the Director of Public Works prior to issuance of a building permit, a truck access management plan for service and delivery vehicles, to be developed in consultation with the affected communities.

USE2003-00672 - Blocks 1&2

1. Provide 14-foot aisle width between parcel pickup and parking spaces.
2. Provide curbed and raised medians as shown on the plan to delineate pedestrian pathway from North Washington Street to retail to be approved by DPW.
3. Provide bike racks adjacent to the entrance of the supermarket.
4. Provide a door or gate at the entrance to the Beall Avenue loading dock that is to be kept closed when not in use.
5. The Mayor and Council will approve the following:
 - a. The locations of the rough door and window openings for the grocery store;

- b. The façade amenity details and bus stop design for Block 1 along North Washington Street;
- c. The treatment of the garage vent openings along North Washington Street for Block 2;
- d. The exterior signage plan for the grocery store.

USE2003-00671 - Block 3B

- 1. Add bollard to eliminate illegal parking in front of stairwell access.

USE2003-00673 - Block 4

- 1. Driveway from Beall Avenue must be signed "Drive-thru and Trucks Only".
- 2. Provide, for approval by the Chief of Planning, of final design plans for the expansion of the parking garage by 150 spaces, and the façade treatment along Hungerford Drive.
- 3. When there is no parking adjacent to drive aisles in garage structures, one-way aisles must be a minimum of 14-feet and two-way aisles must be a minimum of 18-feet. Two-way access is preferred. Revise garage layout to provide for these minimums in the area adjacent to the drive-thru lane and where applicable.
- 4. Final design of the pedestrian connection at the junction of the garages for Blocks 4 and 5 to be approved by staff prior to issuance of applicable building permits.
- 5. Access from Maryland Avenue to north driveway must be signed "No Trucks."
- 6. Obtain Federal and State permits for areas within the stream and/or stream buffer in the vicinity of Block 4 prior to DPW issuance of permits to allow grading.

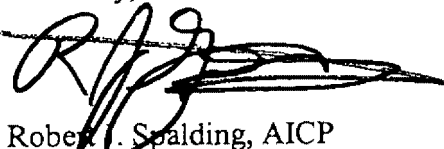
USE2003-00674 - Block 5

- 1. Delineate loading areas to separate them from auto circulation.

The Use Permit does not include approval for signs. Sign permits must be applied for from the Inspection Services Division.

Section 25-193(d) of the Zoning Ordinance requires that **construction or operation must commence within two (2) years of the date of this decision or the application approval expires.** If the applicant can show just cause, a maximum of two (2) time extensions may be granted, each not to exceed one year. However, time extensions are not automatically approved, and sufficient detail and justification will be required in order to consider granting an extension.

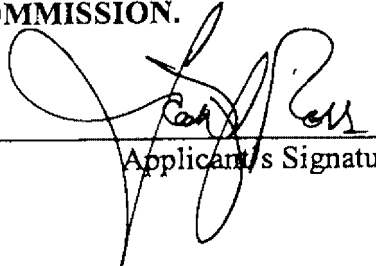
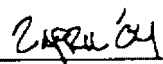
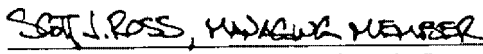
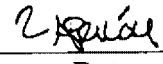
Sincerely,



Robert L. Spalding, AICP
Chief of Planning
Community Planning and Development Services

Note: A building permit may be issued only when the conditions of approval have been met and a copy of the following acknowledgment, signed and executed by the applicant, has been returned to the Planning Division office. Be advised that this approval does not constitute approval by any department or agency having jurisdiction over this development project.

I ACKNOWLEDGE RECEIPT OF USE2003-00671 thru 00674, AND AGREE TO FULLY COMPLY WITH CONDITIONS UPON WHICH APPROVAL WAS GRANTED. I FURTHER ACKNOWLEDGE THAT FAILURE TO COMPLY WITH THESE CONDITIONS MAY CAUSE APPROVAL TO BE REVOKED BY THE PLANNING COMMISSION.

 _____ Applicant's Signature	 _____ Date
 _____ Applicant's Printed Name	 _____ Date

RJS/dem

cc: Art Chambers, Director, CPDS
Donald Briggs, FRIT
Hal Cranor, Director of Public Works
Linda MacDermid, Chief of Inspection Services
Susan Straus, Chief Engineer
Larry Marcus
Mark Wessel

bcc: Bob Spalding, Chief of Planning
Deane Mellander, Planner III
Application File